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No. 1001

IN THE

SUPREME COURT OF THE UNITED STATES

APRIL TERM, A. D. 1941

ERNEST E. MARKS COMPANY, A CORPORATION,
(*Plaintiff*) *Appellant,*

vs.

THE UNITED STATES OF AMERICA,
(*Defendant*) *Appellee.*

BRIEF IN REPLY TO BRIEF FOR THE UNITED STATES IN OPPOSITION TO THE PETITION OF ERNEST E. MARKS COMPANY FOR A WRIT OF CERTIORARI.

DELBERT A. CLITHERO,
Counsel for Petitioner,
1 North LaSalle Street,
Chicago, Illinois.

J. MILTON GUY,
Of Counsel.

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The plaintiff wishes to correct the statements made at pages 4 and 6 of the defendant's argument and conclusion that the basic issues have previously been adjudicated by the Court below contrary to the petitioner's position, and that this Court has denied certiorari and declined to review the main questions presented. (Citing cases.) These statements are inaccurate.

Two of the three main points raised by the petitioner in the Court below were:

(a) That Section 350 grants no authorization to the President to make an exclusively preferential trade agreement with Cuba; and

(b) That Section 350(b) is unconstitutional.

These points were not raised or adjudicated in the cases cited in the defendant's brief, or in any other case of which the petitioner is aware, excepting in the case at bar.

Respectfully submitted,

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J. MILTON GUY,
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1 North LaSalle Street,
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